



Petition 12-11

TOWN OF ELSMERE

APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is filed within (20) twenty days after the day the decision, citation, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the Code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date This appeal was filed: 4/13/12

Tax Parcel Number: 1900-800-342

Date of the Original Action: 3/21/12

Subject Property Address: 928 Dover Ave  
Elsmere

Property Owner's Name: Zenek Cybak

Property Owner's Address: 9 Haileys Trl  
Newark DE

Phone Number: 302-239-2598

Applicant's Name: Zenek Cybak

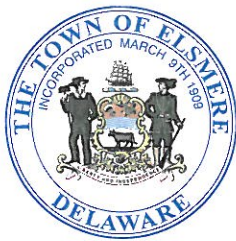
Applicant's Address: 9 Haileys Trl

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.)

V2-00036

Applicant's Signature: Zenek Cybak

Date: 4/13/12



# THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*



11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

<b>RESPONSIBLE PARTY</b>  Zenek Cybak 9 Haileys Trail Jarrell Farms Newark, DE 19711	<b>VIOLATION #</b>	V2-00036
	<b>OFFICER</b>	Daniel Reed
	<b>VIOLATION DATE</b>	03-21-2012
	<b>PROPERTY ADDRESS</b>	928 Dover Wilmington, DE 19805
	<b>ABATEMENT DATE</b>	N/A

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

Specific Violation	Code Section	Due Date	Amount Due
Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. (Re-attach Downspout)	IPMC 2000 303.7	04/21/2012	\$50.00
<p align="center"><b>*****CITATION INFORMATION*****</b></p> <p>In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.</p> <p>You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.</p> <p align="center"><b>ABATEMENT COST</b></p> <p>If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.</p> <p>Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.</p>			

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due Date". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay this civil penalty of \$50.00 by the "Due Date" of this citation, even if the violation has been corrected.

Please return this section with your payment.

DUE DATE	PARCEL NUMBER	VIOLATION NUMBER	AMOUNT DUE
04/21/2012	1900800342	V2-00036	\$50.00

**Make Checks Payable To:** The Town of Elsmere  
**Mail Your Payment To:** The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. **MEANS OF APPEAL SHOWN ON THE BACK.**

**TOWN OF ELSMERE**

11 POPLAR AVE  
ELSMERE, DE 19805  
ATTN: CRAIG HANNA  
TEL: (302)998-2215  
FAX: (302)998-9920

EXT: 104

**EXHIBIT**

tabbles

12-11 B

INVOICE NO.

I2-01442

INVOICE DATE: 03/21/12

DUE DATE: 04/20/12

CUSTOMER #: P-000071

CYBAK ZENEK  
9 HAILEYS TRAIL  
JARRELL FARMS  
NEWARK, DE 19711

## VIOLATION INFORMATION

VIOLATION ID: V2-00036

LOCATION: 928 DOVER AV

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 928 DOVER AVE 2000 IPMC 303.7 RE-ATTACH DOWNSPOUT	50.0000	50.00
			TOTAL INVOICE	50.00
<div>NOTICE</div> <p>Prior to paying this amount due you have the right to appeal this citation. You have a right to appeal the citation if within 20 days of the "Violation Date" you file a written application for such appeal with the Town of Elsmere's Board of Adjustment. The means of appeal are detailed on the back of the citation you received and may be obtained by contacting the Town of Elsmere Code Enforcement Officer at (302) 998-2215.</p>				

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805

CYBAK ZENEK  
9 HAILEYS TRAIL  
JARRELL FARMS  
NEWARK, DE 19711

Invoice Id: I2-01442

Customer Id: P-000071

Due Date: 04/20/12

Total Due: 50.00

